IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE K.M.JOSEPH

TUESDAY, THE 12TH JUNE 2007 / 22ND JYAISHTA 1929

WP(C).No. 16513 of 2007(N)

PETITIONER:

KANNAPPAN @ KANDAPPAN M.C.,
S/O CHENGAN, MUTHUVANUR, PUTHUR,
KAIPARAMBU, TRICHUR.

BY ADV. SRI.C.PRABIN BENNY

RESPONDENTS:
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1. RETURNING OFFICER, MUNDUR SERVICE CO-OPERATIVE BANK LTD., R 189 MUNDUR P.O., THRISSUR.

2. KERALA STATE CO-OPERATIVE ELECTION COMMISSIONER, THIRUVANANTHAPURAM.

BY ADV. SRI.P.N.MOHANAN
GOVT. PLEADER SRI.P.K.JAYAKUMAR

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 12/06/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

APPENDIX

PETITIONER'S EXHIBITS

EXT.P1	**TRUE COPY OF THE MEMBERS IDENTITY CARD ISSUED BY THE MUNDUR SERVICE CO-OPERATIVE BANK DTD. 11-10-95**
EXT.P2	**TRUE COPY OF THE NOTIFICATION NO.E/468/07/2007/SCEC ISSUED BY THE STATE CO-OPERATIVE ELECTION COMMISSION ON 7-5-07**
EXT.P3	**TRUE COPY OF THE RECEIPT ISSUD BY THE RESPONDENT DTD. 28-5-07**
EXT.P4	**TRUE COPY OF THE CERTIFICATE ISSUED BY THE KAIPARAMBU VILLAGE OFFICER DTD. 29-5-07**
EXT.P5	**TRUE COPY OF THE VOTERS LIST**
EXT.P6	**TRUE COPY OF THE COMPLAINT DTD. 29-5-07 SUBMITTED BY THE PETITIONER**
EXT.P7	**TRUE COPY OF THE COMPLAINT SUBMITTED BY THE PETITIONER TO THE DISTRICT CO-OPERATIVE REGISTRAR, THRISSUR.**
EXT.P8	**TRUE COPY OF THE RELEVANT PAGES OF THE REVENUE DIARY**
EXT.P9	**TRUE COPY OF POSTAL RECEIPT**
EXT.P10	**TRUE COPY OF ACKNOWLEDGMENT CARD**
EXT.P11	**TRUE COPY OF THE RELEVANT PAGES OF VOTERS LIST OF THE BANK**
EXT.P12	**TRUE COPY OF THE RELEVANT PAGE OF VOTERS LIST**

RESPONDENT'S EXHIBITS

EXT.R3(A)	**TRUE COPY OF THE NOMINATION DTD. 28-5-07**
EXT.R3(B)	**TRUE COPY OF THE RECEIPT**
EXT.R3(C)	**TRUE COPY OF THE COMMUNITY CERTIFICATE DATED 26-5-07 ISSUED BY THE TAHSILDAR, THRISSUR**
EXT.R3(D)	**TRUE COPY OF THE FINAL LIST OF CANDIDATES PUBLISHED ON 29-5-07**
EXT.R3(E)	**TRUE COPY OF THE FINAL LIST PUBLISHED ON 30-5-2007**

/True Copy/

PA to Judge.

K. M. JOSEPH, J.

W.P.C. NO. 16513 OF 2007

Dated this the 31st May , 2007

JUDGMENT

Petitioner belongs to Kanakkan Community which is a Hindu Scheduled Caste community. He is the member of the respondent Co-operative Bank. Election was notified to the seat reserved for the Scheduled Caste and Scheduled Tribe communities. Petitioner produced Ext.P4 community certificate. His further case is that his nomination was taken up for scrutiny on 29-5-2007 and the 1st respondent asked explanation for the difference in the name of the nomination form and in the community certificate. In the bank records the petitioner's name is also mentioned as Kandappan. In the community certificate issued by the Village Officer his name is mentioned as Kannappan. Then the petitioner produced Ext.P4 Certificate issued by the Village Officer showing that Kandappan and Kannappan are one and the same person. The further case of the petitioner is that without

considering Ext.P4 certificate, the 1st respondent Returning Officer rejected the nomination.

2. Learned Govt. pleader got instructions. Petitioner seeks mandamus commanding 1st respondent to accept his nomination to contest in the election and also seeks a declaration that the rejection of the nomination of the petitioner is improper. It is pointed out that the petitioner signed in the name of Kannappan in the nomination paper. The petitioner was granted 45 minutes time to produce evidence. It is also pointed out that the petitioner produced Community Certificate issued by the Village Officer . Counsel for the petitioner submits that the petitioner could be given time to produce Community certificate from the Tahsildar . There is no case that it is produced before the returning officer.

3. Having regard to the provision under Rule 35 (f) the final list of the candidates is to be published on the date of the scrutiny of the nomination papers is completed. Going by ExtP2 the scrutiny is to be completed on 29-05-2007 at 11 A.M. 30-05-

2007 is the date on which the candidates to withdraw their nomination papers. It is submitted by the Govt. pleader that already the list is published. In such circumstances without prejudice to the right of the petitioner to move an application seeking to challenge the election, this writ petition is dismissed.

K. M. JOSEPH, JUDGE

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